

## **ARTICLE FOURTEEN SIGNS**

### **Section 14.1 - Purpose and Intent**

- A. The purpose of this chapter is to:
1. Control and coordinate the type, placement and physical dimensions of signs within the various zoning classifications.
  2. Recognize the commercial communication requirements to all sectors of the business community.
  3. Encourage the innovative use of design.
  4. Promote both renovation and proper maintenance.
  5. Allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement.
  6. Promote public safety by assuring safe operation of motor vehicles on public rights-of-way within the planning jurisdiction of the city.
  7. Preserve, protect and enhance the value of property within the planning jurisdiction of the city by maintaining and improving the aesthetics of the community.
- B. These purposes shall be accomplished by regulation of the placement, erection, use, and maintenance of signs. The use of signs is regulated according to the zoning classification in which it is located. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this chapter.
- C. The primary intent of this chapter is to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.
- D. Additional regulations on signs may be imposed by ordinances, supplemental to the Code, for specified areas, such as historic districts.

### **Section 14.2 – Definitions** See Article Two

### **Section 14.3 - Penalty**

It is the desire of the City Council that the provisions of this Sign Code be enforced in a fair and consistent manner. While the particular facts and circumstances of a situation may dictate more drastic enforcement measures, it is the desire of the City Council that this Sign Code be enforced progressively, beginning with administrative action, followed by civil action, and if necessary, criminal action. It is envisioned by the City Council that significant education of the community will occur after passage of this chapter, and that the more severe enforcement actions will be initiated after refusal to comply with less severe measures. However, this Code may be enforced administratively, and by all civil and criminal remedies allowed under this Code and State Law.

### **Section 14.4 -Conflicts**

If any portion of this chapter is found to be in conflict with any other provision of any section of this Code or other applicable codes or statutes, the provision which establishes the higher standard shall prevail.

### **Section 14.5 - Exemptions**

- A. This chapter does not relate to building design.
- B. This chapter does not regulate:
  - 1. Official traffic or government signs.
  - 2. The copy and message of signs.
  - 3. Product dispensers.
  - 4. Scoreboards on athletic fields.
  - 5. Flags of any nation, government, or non-commercial organization.
  - 6. Gravestones.
  - 7. Religious symbols.
  - 8. Commemorative plaques.
  - 9. The display of street numbers.
  - 10. Any display or construction not defined as a sign.

### **Section 14.6 - Nonconforming Signs and Sign Uses**

- A. Existing signs as of the effective date of this article which do not conform to the specific provisions of the chapter may be eligible for the designation “nonconforming” provided that the signs have a valid city permit or variance and the signs comply with all applicable laws.
- B. A nonconforming sign shall lose its designation if the sign is altered in violation of this chapter. Such signs shall be deemed illegal and removed by the sign owner pursuant to the provisions of this code or state law. This provision does not refer to change of copy or normal maintenance.

- C. The nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance and repair. However, any nonconforming sign that is damaged to the extent that the cost for complete repair exceeds 50 percent of the replacement cost of the sign, such sign shall be removed by the sign owner. Owners of managed on-premise signs may obtain a new sign permit if the sign is to be replaced as permitted and in accordance with the provisions of this chapter.
- D. The requirements of this chapter regarding animation, the illusion of movement, or the rate at which copy or content changes, shall not apply to any changeable copy sign (electronic) that has a valid city permit or variance and was lawfully erected prior to the 22<sup>nd</sup> day of November , 2004.

### **Section 14.7 -Violations**

- A. When, in the judgment of the Administrator, a violation of this chapter exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of this chapter of which the person may be in violation and shall state that the person shall abate the violation within the applicable period of time set forth below or to appeal to the Housing and Building Board of Adjustment (Sign Board). If the violator fails to appeal or to correct the violation within the time allowed below by this section, the sign shall be deemed illegal and removed by the sign owner.
  - 1. For permanent signs, within 10 days of receipt of the written order.
  - 2. For temporary signs or devices, within 24 hours of receipt of the written order.
  - 3. For signs that are unsafe or insecure or otherwise constitute an immediate danger to public health and safety, within 24 hours of receipt of the written order.
  - 4. In the case of an alleged violator to whom the Administrator has issued such an order within the preceding 12-month period, the notice may require the person to abate the alleged violation within 24 hours.
- B. If upon inspection, the Administrator finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained in accordance with this or other applicable codes or statutes, such signs shall be deemed illegal and the Administrator shall issue a written order to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this chapter or removed within ten days of the date of the order. The owner or occupant of the premises may appeal the decision of the Administrator within 10 days to the Housing and Building Board of Adjustment (Sign Board).
- C. Illegal signs are public nuisances. In the event of a failure to comply with the order of the Administrator, the City may institute legal proceedings pursuant to this Code, including without limitation, an action to abate the sign as a nuisance.

Costs incurred by the City shall be charged to the owner of the sign and/or the owner of the property on which the sign is located. The costs may constitute a lien upon the property and may be collected by any appropriate lawful means.

#### **Section 14.8 -Enforcement Agency**

The Code Enforcement Department shall enforce this chapter and all references herein.

#### **Section 14.9 - Interpretation and Variances by Enforcement Officer**

The Administrator shall interpret the application of the provisions of this chapter in such a way as to carry out its stated purpose and intent. The Administrator may review requests for variances from the literal provisions of this chapter in cases where strict enforcement of the chapter would cause undue hardship to the individual application under consideration and allow such deviation only when it is demonstrated that such action will be in keeping with the spirit and intent of this chapter. In no event shall the Administrator authorize a deviation of greater than 15 percent of height and area requirements of this chapter. Requests for variances greater than 15 percent of height of area requirements shall be made to the housing and building board of adjustments pursuant to Article 19.

#### **Section 14.10 - Reserved**

#### **Section 14.11-Compliance**

It is unlawful for any person to erect, place or maintain a sign in the City except in accordance with the provisions of this chapter.

#### **Section 14.12 - Business License**

- A. No person shall engage in the business of installing, erecting, or maintaining any sign, nor contract for the performance of such service, without a business license to do so.
- B. The business license of any sign contractor may thereafter be canceled for cause by the Revenue/Fiscal Control Department. When any sign contractor has, within two calendar years, been found guilty of three separate violations of this chapter or the building code by any court of record, whether such judgment by appealed or not, the Revenue/Fiscal Control Department shall cancel the license. The license of any person which has been canceled shall not be renewed until all past violations have been corrected, and any application for renewal of the license shall be made to the City Council, and the department shall file with the City Council a report stating whether or not all previous violations have been corrected.

#### **Section 14.13 - Same-Bond or Insurance**

No person shall engage in the business of installing, or erecting or maintaining any sign or medium of display or advertising, electric or otherwise, within the City until he has filed with the City Collector a bond or certificate of liability and property damage insurance in the sum of \$500,000.00 with such surety thereon as may be approved by the City Clerk. Such bond or certificate of liability and property damage insurance shall be conditioned for the installation, erection, and maintenance of signs in accordance with the ordinances of the City and laws of the state, and shall provide for the indemnification of the City and the purchaser or lessee of such signs, for damages or liabilities which may accrue by reason of faulty installation, erection, maintenance, demolition, repair, removal, or defects in, or collapse of any sign so serviced by or under the direction of the maker of such bond, or certificate of liability of property damage insurance. Such bond or certificate of liability and property damage insurance shall provide for the indemnification of any person who, while upon public property or in any public place, incurs damages for which the principal named in the bond or certificate of liability property damage insurance is legally liable.

#### **Section 14.14 -Prohibited Signs and Sales Promotion Devices**

The following type signs are prohibited in all districts unless otherwise noted:

- A. Abandoned signs.
- B. Pennants, festoons, searchlights.
- C. Signs imitating or resembling official traffic or government signs or signals.
- D. Snipe signs.
- E. Vehicular signs.
- F. Trailer signs.
- G. Roof signs.
- H. Bench signs.
- I. Flashing signs.
- J. Animated signs.
- K. Rotating signs.
- L. Balloons.

#### **Section 14.15 - Abandoned Signs and Sign Structures**

All abandoned signs and sign structures not removed by owner after due notice may be removed by the City. Upon completion of the work the City shall file and have a lien upon real estate for the cost of removing the sign.

#### **Section 14.16 - Permit**

- A. Unless otherwise provided by this chapter, all signs shall require permits and payment of fees as described in this section. No permit is required for the maintenance of a sign or for a change of copy on manual changeable copy signs.

- B. The following signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:
1. Construction signs.
  2. Directional/information signs.
  3. Nameplates.
  4. Political signs.
  5. Public signs or notices.
  6. Real estate signs.
  7. Incidental signs.
  8. Governmental signs.
  9. Any sign relating to an emergency.
- C. Application for a permit for the erection, alteration or relocation of a sign, when allowed by this chapter, shall be made to the Administrator upon a form provided by the Administrator and shall include the following information:
1. The sign owner's name, address and telephone number; and (if different) the name of the person in possession of the premises where the sign is located or to be located;
  2. The name, address and telephone number of the person who will be performing the work requested;
  3. The location and zoning description of the parcel in which the sign is or will be located;
  4. The type of sign or sign structure as defined in this chapter;
  5. Specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign;
  6. The cost to construct the sign and any alteration expenses;
  7. Any other information the administrator shall require to ensure compliance with this and all other applicable city ordinances.

Accompanying each application for a sign permit shall be a detailed drawing or drawings, all of which are to be to scale and legible. All existing structures and proposed structures along with proposed sign locations will be indicated. Building or structure elevation drawings shall be submitted when applications are for building-mounted signs.

- D. Accompanying each application for a sign permit for an existing sign shall be:
1. A completed application form stating all necessary facts concerning each sign, signed by the owner certifying to the facts in the application.

2. Photographs of the sign and its locations.
- E. All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule. All signs shall be permitted and tagged for which a fee shall be paid in accordance with an adopted permit schedule.
- F. If a permit is denied, the permit fee will be refunded to the applicant. If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve the responsible party of any other requirements or penalties prescribed in this chapter. The Mayor or his designee may accept requests for refunds or unused sign fees when a lease has been terminated or the sign has been destroyed. In the event a lease has been terminated or a sign has been destroyed, the Mayor or his designee may refund a portion of the sign permit fee based on the amount of time remaining between the date the lease was terminated or the sign was destroyed and the date the permit expires.
- G. Any person installing, altering or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. The Administrator may require in writing upon issuance of a permit that he be notified for inspection prior to the installation of certain signs.
- H. Permits for on-premise signs are to be issued for a period of one year. All sign owners are required to renew their sign permits every year prior to January 31 of the year. Any sign not permitted within the month of January of the year shall be classified as abandoned. On-premise signs with expired permits are illegal and shall be removed by the sign owner at his expense.
- I. All off-premise sign permits which are valid on the effective date of this article are hereby revoked. The fees paid for such permits shall be prorated, rounded to the nearest \$10.00 and applied toward the new permit fees. Each billboard site shall require one off-premise sign permit. Notwithstanding any other provision for the application and issuance of permits, owners of all existing billboards shall obtain a new permit for each billboard within 60 days of the passage of this article. Billboard permits shall be issued for a period of two years. Billboard owners shall renew their permits prior to September 30th of the second year. The renewal fee shall be the same amount as the initial permit fee. The sign owner shall submit to the Administrator any changes in the information contained in the original permit. Any sign not permitted by the due date shall be classified as abandoned. Such signs are illegal and shall be removed by the sign owner at his expense.

- J. Off-premise sign permits issued for new signs prior to the effective date of this article are hereby revoked provided the permit holder has not commenced actual construction under the permit resulting in a tangible erection of the sign structure. The permit fee for such signs shall be refunded by the city upon application of the owner.
- K. The issuance of a sign permit shall in no instance be construed as waiving any provision of the chapter. If any person commences work on a sign before obtaining the necessary permit, or if a permit issued despite the violation of any provision of this chapter, or if the location or specifications of the sign vary from the approved design or location, the person shall be subject to the penalty prescribed in this code and the sign shall be removed as an illegal sign.
- L. In addition, the Administrator shall revoke a sign permit for failure of the holder to conform to any of the provisions of the chapter. All rights and privileges acquired under the provisions of this chapter, or any amendment thereto are mere licenses revocable at any time.

#### **Section 14.17-Maintenance**

- A. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- B. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
- C. The Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, substantially deteriorated or presents a public hazard, as defined in the edition of the Standard Building Code in force in the City.

#### **Section 14.18-Lighting**

Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize:

- A. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- B. Any exposed incandescent lamp in excess of 300 watts.
- C. Any revolving beacon light.
- D. Any device that allows oscillating, rotating or flashing lights.



- E. Animation manifesting either kinetic or illusionary motion occasioned by a natural, manual, mechanical, electrical or other means.
- F. The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

#### **Section 14.19-Changeable Copy**

- A. Unless otherwise specified by this chapter a sign may use changeable copy limited to:
  - 1. Manually activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
  - 2. Electrically activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments. These electronic activated changes are allowed in 15 second intervals and shall not have the illusion of movement. Time and temperature characters may change at real time.
- B. However, in no instance shall these types of signs produce an illusion of movement or animation prohibited by Section 14.18.

#### **Section 14.20- Construction specifications**

- A. Compliance with building, electrical, and traffic codes. All electrical signs or equipment and devices used in electrical signs shall bear the label of Underwriters Laboratories, Inc., or other recognized independent testing laboratory approved by the building official. Disconnect switches shall be located in a safe and secure location for each electrical sign and shall be located within 25 feet of such sign. Each disconnect switch shall be located so as to be readily accessible and shall be properly identified stating what sign it controls. All materials and methods used for installation shall comply with the current adopted electrical code. Specific application shall be made for approval of these signs and/or devices by the building official and/or chief electrical inspector of the city, building codes section. Such review shall be accomplished utilizing standard application and permit procedures established by the city.
- B. Anchoring. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations, or erected with pilings or other methods approved by the administrator.

- C. Wind loads. All signs shall be designed to withstand a wind of 60 miles per hour.
- D. Additional construction specifications. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that signs that may be erected in front of any building may cover transom windows when not in violation of the provisions of the edition of the Standard Building Code or Fire Prevention Code. Signs shall be located in such a way as to maintain horizontal and vertical clearance of the overhead electrical conductors in accordance with all ordinances, depending on voltage concerned. However, in no case shall a sign be installed closer than 24 inches horizontally or vertically from any conductor or public utility guy wire. Electrical connections to any sign must be made with overhead or underground connections. Construction and placement of all signs must conform to the applicable traffic codes of the city and in no way restrict the safe and efficient movement of traffic.
- E. All signs constructed shall have design that will allow the sign to be removed at or near the base.

#### **Section 14.21-Signs permitted in all zones**

The following signs are permitted in all zones:

- A. All signs not requiring permits.
- B. One construction sign for each street frontage of a construction project. Signs shall not be placed within a sight triangle.
- C. One non-illuminated real estate sign and/or garage sale sign per lot or premises. Signs shall not be placed within a sight triangle.
- D. One attached nameplate sign.
- E. Political signs. Signs shall not be placed within a sight triangle.
- F. Two directional/information signs. Signs shall not be placed within a sight triangle.
- G. One company or organizational flag that can be displayed from a permanently mounted flag pole.
- H. Governmental signs.

#### **Section 14.22-Signs permitted in R-0, R-1, R-2, R-3, R-6 and RT-1 zones**

- A. The following signs shall be permitted in residential R-0, R-1, R-2, R-3, R-6 and RT-1 zones:
  - 1. All signs as permitted in Section 14.21, excluding 14.21.F and 14.21.G.
  - 2. Real estate signs and garage sale signs limited to 2x3 feet in size.
- B. For permitted nonresidential uses, including churches and synagogues, one ground mounted sign and one wall sign shall be permitted.
- C. All permitted wall signs shall face required street frontage except in complexes where a sign without street frontage would be the only means of identification for a tenant. Wall signs shall not exceed 24 square feet in sign area.
- D. All permitted ground mounted signs shall not to exceed 24 square feet in sign area. Ground mounted signs shall have a maximum height limit of 6 feet and shall have a setback of 5 feet from any public right-of-way, measured from the closest edge of the sign. Signs shall not be placed within a sight triangle.
- E. Illumination of permitted signs shall not be greater than 50 foot lamberts luminance.

**Section 14.23 - Signs permitted in R-4 and R-5 zones**

- A. The following signs shall be permitted in R-4 and R-5 zones:
  - 1. All signs as permitted in Section 14.21, excluding 14.21.F and 14.21.G.
  - 2. Real estate signs and garage sale signs are limited to 2x3 feet in size.
  - 3. One ground mounted subdivision identification sign per neighborhood, subdivision or development.
  - 4. One ground mounted identification sign per apartment or condominium complex.
- B. For permitted nonresidential uses, including churches and synagogues, one ground mounted sign and one wall sign shall be permitted.
- C. All permitted wall signs shall face required street frontage except in complexes where a sign without street frontage would be the only means of identification for a tenant. Wall signs shall not exceed 24 square feet in sign area.
- D. All permitted ground mounted signs shall not to exceed 24 square feet in sign area. Ground mounted signs shall have a maximum height limit of 6 feet and

shall have a setback of 5 feet from any public right-of-way, measured from the closest edge of the sign. Signs shall not be placed within a sight triangle.

- E. Illumination shall not be greater than 100-foot lamberts of luminance.

**Section 14.24 - Signs Permitted in I-1, I-2 and I-3 Zones**

- A. The following signs shall be permitted in I-1, I-2 and I-3 zones:
  - 1. All signs as permitted in Section 14.21.
  - 2. One freestanding or ground mounted sign per premise.
  - 3. Window signs.
  - 4. In addition to the allowed signs above, the owner may use one of the following:
    - a. Wall or mansard signs.
    - b. One awning sign.
- B. Where a building is on a corner and has more than one main street frontage, one additional wall sign and one additional freestanding or ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted wall and freestanding or ground mounted signs.
- C. All permitted freestanding signs shall have a maximum height limit of 30 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Freestanding signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Freestanding signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
- D. All permitted ground mounted signs shall have a maximum height limit of 6 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not to exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
- E. All permitted wall signs shall not to exceed ten percent in aggregate sign area for that occupancy's façade area. Wall signs must face required street frontage except in complexes where a sign without street frontage would be the only means of identification for a tenant.

- F. All permitted awning signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Awning signs shall not exceed 25 percent of the surface area of an awning.
- G. Where a lot has in excess of 150 linear feet of street frontage, one additional on-premise freestanding or ground mounted sign will be allowed for each additional 150 linear feet of main street frontage. Such signs shall be subject to the size and height limitations of the first allowed freestanding or ground mounted sign and may be placed no closer than 150 linear feet from any other freestanding or ground mounted sign located on the same property.
- H. Sign heights for all freestanding on-premises signs located on properties immediately adjacent to and contiguous to an expressway or freeway may be measured from the elevation of the centerline of the traffic lanes (excluding frontage roads) adjacent to subject property to the top of the sign structure. It shall be the responsibility of the sign owner to submit all necessary information when this approach is used. A survey may be required as proof of elevations.
- I. Illumination shall not be greater than 300 foot lamberts of luminance.

**Section 14.25 - Signs Permitted in C-1, C-2, C-3, C-4, C-5 and C-6 Zones**

- A. The following signs are permitted in C-3, C-4, C-5 and C-6 zones:
  - 1. All signs as permitted in Section 14.21.
  - 2. One freestanding or ground mounted sign per premises.
  - 3. Window signs.
  - 4. In addition to the allowed signs above, the owner may use one of the following:
    - a. Wall or mansard signs.
    - b. One under-canopy sign.
    - c. One projecting sign.
    - d. One awning sign.
- B. Where a building is on a corner and has more than one main street frontage, one additional wall sign and one additional freestanding or ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted wall and freestanding or ground mounted signs.

- C. All permitted freestanding signs shall have a maximum height limit of 36 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Freestanding signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Freestanding signs shall not to exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 120 square feet. Signs shall not be placed in a sight triangle.
- D. All permitted ground mounted signs shall have a maximum height limit of 6 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not to exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 120 square feet. Signs shall not be placed in a sight triangle.
- E. All permitted wall signs shall not to exceed ten percent in aggregate sign area for that occupancy's façade area. Wall signs must face required street frontage except in complexes where a sign without street frontage would be the only means of identification for a tenant.
- F. All permitted awning signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Awning signs shall not exceed 25 percent of the surface area of an awning.
- G. All permitted under canopy signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Under canopy signs shall not exceed 15 square feet in sign area.
- H. All permitted projecting signs shall have a minimum clearance of 13 feet over any vehicular use area and 9 feet over any pedestrian use area. Projecting signs shall not exceed 15 square feet in sign area.
- I. Where a lot has in excess of 150 linear feet of street frontage, one additional on-premise freestanding or ground mounted sign shall be allowed for each additional 150 linear feet of main street frontage. Such signs shall be subject to the size and height limitations of the first allowed freestanding or ground mounted sign and may be placed no closer than 150 linear feet from any other freestanding or ground mounted sign located on the same property.
- J. Illumination shall not be greater than 300-foot lamberts of luminance.

#### **Section 14.26 - Off-premise Signs**

- A. No new off-premises or billboard signs shall be erected within the city limits, as well as the City's extra-territorial planning jurisdiction, subsequent to the adoption of this ordinance except as provided herein. This prohibition against new off-premises or billboard signs shall apply to all areas within the City limits

and the City's extra-territorial planning jurisdiction, including those areas regulated by the Federal Highway Beautification Act (23 U.S.C. 131) or the Arkansas Highway Beautification Act (Ark. Code Ann. §27-74-101 et seq.).

- B. Any existing off-premises or billboard sign located on Interstate 30, Interstate 40, Interstate 440, or Highway 67/167 that is required to be removed or relocated for any reason, may only be replaced with an off-premises or billboard sign located on a site along Interstate 30, Interstate 40, Interstate 440, or Highway 67/167 as long as the site meets all of the following requirements.
  - 1. That the site is zoned C-4, I-1, I-2, I-3, or Cons-1 and the off premise or billboard sign, including the facing and support structure, meets all required building setbacks;
  - 2. That the off-premise or billboard sign is not greater than 800 square feet and shall not contain more than more than one advertising sign per facing;
  - 3. That the off-premises or billboard sign will be separated by not less than 1000 feet from another off-premise or billboard sign. Said distance shall be measured along the nearest edge of the pavement between points directly opposite the center point of the signs. Each side of the Interstate or Highway shall be considered separately on Interstates or Highways with a median: and
  - 4. That the maximum height for the off-premise or billboard sign shall not exceed 45 feet above grade level except that off-premises or billboard signs located within two hundred feet of a Highway or Interstate may be elevated a maximum of 45 feet above the level of the Highway or Interstate at the point of the Highway or Interstate that is perpendicular to the center of the sign.
- C. There is hereby created an off-premises or billboard sign permit bank whereby the city planning department shall maintain a permit on file for the replacement of off-premises or billboard signs as allowed under subsection (b) supra. In order for a sign owner to be eligible to have an off-premises or billboard sign permit within said permit bank, the owner must file a notice of intent to replace an existing off-premises or billboard sign with the planning department within 30 days after the original off-premises or billboard sign has been removed.

#### **Section 14.27 - Temporary Special Event Banners or Devices**

One temporary special event banner or device per business as allowed by the administrator for special events or grand openings. Special event banners or devices shall only be utilized for nonresidential uses or nonresidential zoning districts. For these events, the banner or device may be erected for a maximum of 30 days per occasion, not to exceed 4 events in a calendar year. Special event permits are good for 30 days and may only be issued 60 days from the previous date of issuance.

- A. The banner or device shall be secured by a method approved by the administrator to ensure safety and stability and are not permitted off premise.
- B. The maximum size for the banner or device shall be 5 feet x 20 feet.
- C. The banner or device shall not be tied, secured, mounted or affixed in any manner to a tree, landscaping, screening wall or fence. The placement of the banner or device may be pole mounted or on a building provided there are no encroachments onto a public right-of-way.
- D. A special events permit shall be obtained by an owner or operator of a site, which will allow the user to structure the number of events and days per year desired. The permit shall be submitted for review and approval as set forth in Section 14.16.
- E. Maintenance shall be as provided in Section 14.17.
- F. For purposes of mixed use development with multiple businesses or buildings on a lot or tract of land, only one freestanding banner or device shall be permitted per premise or lot. One wall mounted banner per business shall be permitted.
- G. Banners or devices shall not be placed in a sight triangle.
- H. Banners shall face required street frontage.

#### **Section 14.28 – Temporary Open House, Estate Sale, and Yard Sale Signs**

The following signs may be placed in the periphery of the public right-of-way provided the following conditions are met:

- A. Yard Sale Signs and Estate Sale Signs
  - 1. The maximum allowable size shall be 4 square feet.
  - 2. These signs shall not be attached to any tree, telephone pole, fence, public bench, etc.
  - 3. These signs shall not obstruct the view of motorists or otherwise interfere with safe vehicle operation or be placed in a sight triangle.
  - 4. Such signs shall not be erected more than 24 hours prior to the day of the event.
  - 5. These signs shall be removed within 24 hours following the event.
  - 6. All signs not removed within 24 hours of the event shall be deemed illegal and the owner of said sign shall be subject to immediate action to abate the nuisance, including removal and/or legal action.



7. All signs not meeting these criteria are subject to immediate removal and disposal.

**B. Open House Signs**

1. Signs shall not exceed 6 square feet in area.
2. Signs are permitted only when the realtor, seller, or agent is in attendance at the property and the property is available for viewing.
3. Signs shall not obstruct the view of motorists or otherwise interfere with safe vehicle operation or be placed in a sight triangle.
4. Such signs shall not be erected more than 24 hours prior to the day of the event.
5. All signs not removed within 24 hours of the event shall be deemed illegal and the owner of said sign shall be subject to immediate action to abate the nuisance, including removal and/or legal action.
6. All signs not meeting these criteria are subject to immediate removal and disposal.

**Section 14.29 – Community Event Advertising**

- A. Signs may be placed within the city parks subject to prior approval of the Parks and Recreation Commission or its designee.
- B. Signs may be placed on city property subject to prior approval by the Mayor or the Mayor's designee.

**Section 14.30 – Sponsor Signs at Public Facilities**

- A. Public Facilities are permitted to place signs indicating to the public the name of its sponsors.
- B. Signs must be in compliance with the standards set by the Zoning Ordinance and the North Little Rock Municipal Code.
- C. Any government entity wishing to have a sponsorship sign shall have a policy on file with the office of Community Planning before obtaining a permit for said sign.
- D. There shall be no fee for the sign permit.
- E. In no event shall a public facility be allowed to place a billboard on its premises.

E. Permitted Structures.

No structures shall be permitted in the Flood Plain Overlay district except those used in the operation of the permitted uses. In general, the first floor elevation must be proven to be one foot above the designated floodplain elevation.

**Section 11.7 – Washington Avenue Overlay District**

A. Maximum Height

No building South of Washington Avenue, between Willow and Cypress Streets, shall be allowed to exceed the height of 5 stories or 60 feet in order to protect area views of the Arkansas River.

**Section 11.8 – East Broadway Sign Overlay District**

A. Purpose. The purpose of this overlay district is to improve the appearance of East Broadway by reducing visual clutter caused by freestanding signs.

B. District Boundaries. Properties one-half block north and south (approximately 150 feet from right-of-way) of East Broadway and between Highway 165 and Cedar Street.

C. All wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14.

D. Design Standards for Signs.

1. Freestanding signs are prohibited.
2. All permitted ground mounted signs shall have a maximum height limit of 10 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs.
4. Illumination shall not be greater than 300-foot lamberts of luminance.

E. Variances. All requests for a variance of the East Broadway Sign Overlay District will be to the Housing and Building Board of Adjustment (Sign Board).

### **Section 11.9 – Camp Robinson Road Sign Overlay District**

- A. Purpose. The purpose of this overlay district is to improve the appearance of Camp Robinson Road by reducing visual clutter caused by freestanding signs.
- B. District Boundaries. Properties that abut Camp Robinson Road between 47<sup>th</sup> Street and the Camp Robinson gate and Remount Road between Camp Robinson Road and Maryland.
- C. All wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14.
- D. Design Standards for Signs.
  - 1. Freestanding signs are prohibited.
  - 2. All permitted ground mounted signs shall have a maximum height limit of 10 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
  - 3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs.
  - 4. Illumination shall not be greater than 300-foot lamberts of luminance.
- F. Variances. All requests for a variance of the Camp Robinson Road Sign Overlay District will be to the Housing and Building Board of Adjustment (Sign Board).

### **Section 11.10 – JFK Boulevard Sign Overlay District**

- A. Purpose. The purpose of this overlay district is to improve the appearance of JFK Boulevard by reducing visual clutter caused by freestanding signs.
- B. District Boundaries. Properties that abut JFK Boulevard between Interstate 40 and North Hills Boulevard.
- C. All wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14.

D. Design Standards for Signs.

1. Freestanding signs are prohibited.
2. All permitted ground mounted signs shall have a maximum height limit of 10 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs.
4. Illumination shall not be greater than 300-foot lamberts of luminance.

E. Variances. All requests for a variance of the JFK Boulevard Sign Overlay District will be to the Housing and Building Board of Adjustment (Sign Board).